

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

SANDY JOHME,)	No. ED96497
)	
Respondent,)	
)	Appeal of Labor and Industrial
v.)	Relations Commission Award
)	Cause No. 08-069091
ST. JOHN’S MERCY HEALTHCARE,)	
)	
Appellant.)	Filed: October 25, 2011

Appellant St. John’s Mercy Healthcare appeals the Labor and Industrial Relations Commission’s award to Sandy Johme of temporary total disability payments, past medical expenses, and permanent partial disability.

TRANSFERRED.

DIVISION TWO HOLDS: First, the Commission did not err in finding that Johme “twisted” her ankle as sufficient evidence supported this conclusion. Second, the 2005 amendments to §287.020.3(2) sought to raise the threshold for obtaining worker’s compensation. The “personal comfort” doctrine is inconsistent with the legislative purpose of the amendments. Therefore, the Commission erred in applying the “personal comfort” doctrine to award benefits. Third, the approach to § 287.020.3(2)(b) used by the court in *Pile v. Lake Regional Health Systems*, 321 S.W.3d 463 (Mo. App. S.D. 2010) is logically wrong, and unpersuasive. Therefore, the Commission erred in applying this approach. Finally, the because of the general interest of the questions posed by this case, we transfer to the Supreme Court pursuant to Rule 83.02.

Opinion by: Kenneth M. Romines, J.
Kathianne Knaup Crane, P.J., concurs in result.
Lawrence E. Mooney, concurs in transfer in a separate opinion.

Attorneys for Appellant: Maurice D. Early

Attorneys for Respondent: Ellen E. Morgan

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
